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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,919	07/30/2003	Kimiyuki Hayasaki	00862.023202.	7528
5514	7590	04/20/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			LIANG, LEONARD S	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2853	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,919

Applicant(s)

HAYASAKI, KIMIYUKI

Examiner

Leonard S. Liang

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/17/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification and Drawings

The examiner previously made a jumbo specification objection requesting that the applicant correct any errors found in the specification and drawings. It appears that the applicant has done so, so the drawings filed on 07/30/03 will hereby be accepted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsuji (US Pat 6862652).

Tsuji discloses:

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- {claim 1} A method of controlling a printing apparatus which performs printing by using a printhead having a printing element and a storage unit, the printing apparatus including a first control unit which controls operation of the printing apparatus, and a second control unit which can operate independently of the first control unit (figure 1, reference 2-3; abstract; column 2, line 63-column 3, line 10); an instruction generation step of causing the first control unit to generate an instruction for acquiring specific information held by the storage unit of the printhead, the instruction not including an address of the storage unit to be accessed, an acquisition step of causing the second control unit to receive the instruction generated by the first control unit in the instruction generation step, generate an address for accessing the storage unit of the printhead based on the instruction, access the storage unit at the address, and acquire the specific information corresponding to the instruction (column 1, line 65-column 3, lines 10); a control step of causing the second control unit to drive and control the printhead on the basis of information which is generated on the basis of the specific information acquired in the acquisition step in order to drive the printhead (abstract; column 1, lines 8-22)
- {claim 2} wherein the second control unit is arranged in a carriage which supports the printhead (column 2, line 63-column 3, line 10)
- {claim 3} A printing apparatus which performs printing by using a printhead having a printing element and a storage unit (column 1, lines 8-22); instruction generation means for generating an instruction for acquiring specific information

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from information held by the printhead, the instruction not including an address of the storage unit to be accessed; acquisition means for receiving the instruction generated by the instruction generation means, generating an address based on the instruction, accessing the storage unit of the printhead based on the address, and acquiring the specific information corresponding to the instruction from the storage unit (column 1, line 65-column 3, line 10); control means for driving and controlling the printhead on the basis of information which is generated on the basis of the specific information acquired by the acquisition means in order to drive the printhead (abstract; column 1, lines 8-22)

- {claim 4} the acquisition means includes generation means for generating an access signal containing the address for reading out the specific information specified by the instruction generated by the instruction generation means from the storage unit, and read means for accessing the storage unit in accordance with the access signal generated by the generation means and reading out the set information (column 4, lines 40-55)
- {claim 5} wherein the generation means has, in correspondence with a plurality of types of printheads, a plurality of tables which makes items of the specific information specified by the instruction and storage addresses of the storage unit correspond to each other, and generates the access signal by looking up a table corresponding to a printhead mounted on the printing apparatus among the plurality of tables (figure 3-5; column 4, lines 40-55)

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- {claim 6} wherein the acquisition means is arranged on a carriage for conveying the printhead (column 2, line 63-column 3, line 10)
- {claim 7} wherein the acquisition means includes transmission means for transmitting the instruction to the printhead (abstract; column 1, lines 8-22)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Saruta (US Pat 6631967) discloses a printer and ink cartridge attached thereto.

Cowger et al (US Pat 5788388) discloses an ink jet cartridge with ink level detection.

Ujita (US Pat 5138344) discloses an ink jet apparatus and ink jet cartridge therefor.

Walker et al (US Pat 6863377) discloses a method and apparatus for identifying a sales channel.

Matsuo (JP Pat 05193127 A) discloses an image recording apparatus.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard S. Liang whose telephone number is (571) 272-2148. The examiner can normally be reached on 8:30-5 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

04/14/06

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4/17/06
MANISH S. SHAH
PRIMARY EXAMINER